IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 5584 of 2007(M)

PETITIONER:

V. MURALIDHARAN PILLAI,
S/O.VELAPPAN PILLAI, AGED 42 YEARS,
RESIDING AT MURALI VILASAM,
KAREEPRA, KUNDARA, KOTTARAKARA.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, KOLLAM.

BY GOVERNMENT PLEADER SMT. N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 5584/2007 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE APPLICATION FOR REGULAR PERMIT DT. 6/1/2006.

EXT.P2. COPY OF THE PROCEEDINGS OF THE RESPONDENT DT. 26/10/06.

EXT.P3. COPY OF THE TEMPORARY PERMIT VALID FORM 26/10/2006.

EXT.P4. COPY OF THE TEMPORARY PERMIT VALID TILL DT. 7/3/2007.

EXT.P5. COPY OF THE PROCEEDINGS OF THE RTA, KOLLAM DT. 3/11/2006.

EXT.P6. COPY OF THE REPRESENTATION DT. 12/2/2007.

EXT.P7. COPY OF THE PROCEEDINGS OF THE RESPONDENT DT. 5/3/2007.

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K.BALAKRISHNAN NAIR, J.

W.P.(C).No.5584 of 2007-M

Dated this the 19th day of March, 2007

JUDGMENT

The petitioner has been granted a regular permit by the R.T.A., Kollam on the route Kollam Andamukkom-Bharanikavu by Ext.P5 proceedings dated 3-11-2006. The grant was in respect of Stage Carriage KL-02/G 5751. The petitioner produced the current records of the vehicle KL-01/N 8888 within the prescribed time limit. But, the permit was not issued to the said vehicle. So, this writ petition is filed. During the pendency of the writ petition, the petitioner has been served with Ext.P7 communication directing him to produce the current records of the vehicle offered by him. The petitioner prays for a direction to the respondent to issue the regular permit to the new vehicle offered by him.

2. The learned Government Pleader, upon instruction, submitted that the new vehicle is already covered by a temporary permit valid upto 7-3-2007. That was the reason why the permit could not be issued to the new vehicle.

3. Even without offering any vehicle the petitioner is entitled to get the permit in view of the decision in Alavikutty's case (2005 (1) KLJ 209). Therefore, if the petitioner produces a new vehicle within

the stipulated time limit, under Rule 159 (2) he is entitled to get the permit issued. In view of the above position, the writ petition is disposed of directing the respondent to issue the permit granted as per Ext.P5 in respect of the new vehicle KL-01/N 8888 provided the records of the said vehicle are current.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS